IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 6173 of 1997

Between:

P.Govinda Reddy S/o.Venkatanarasimha Reddy
R/o.1-11-220/5,Brundavan Colony, Begumpet
Hyderabad-500 016.

..... PETITIONER

AND

1 Labour Court-III, Hyderabad.
2 The Regional Manager A.P State Road Transport Corporation
Golconda Region, Hyderabad.
3 The Divisional Manager, A.P.S.R.T.C.,
Ranga Reddy Division, Hyderabad.
4 The Depot Manager, APSRTC
Zaheerabad Bus Depot, Zaheerabad
Medak Dist.
5 The Depot Manager APSRTC
Thandur Bus Depot, Thandur
Medak Dist.
6 The Depot Manager, APSRTC
Hyderabad-II Bus Depot, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Certiorari declaring the award of the Labour Court in I.D.No.13/93 as illegal, arbitrary and consequently direct the respondent-Corporation to reinstate the petitioner into service with all attendant benefits from the date of termination till reinstatement as per the direction of the Regional Manager with all consequently benefits including the arrears of pay.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent Nos. 2to6: MR. V.T.M. PRASAD .
Counsel for the Respondent No.1: None appeared

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the award of the Labour Court in I.D.No.13 of 1993 dated 12.02.1996 under which the Labour Court passed nil award.

2. The petitioner is appointed as a Conductor in the month of February 1983. On certain alleged irregularities, the respondent-Corporation suspended the petitioner by an order dated 12.04.1983. Thereafter, he was charge-sheeted by framing appropriate charges and after conducting enquiry, the petitioner was removed from service. Questioning the order of removal, the petitioner filed an appeal before the third respondent-Divisional Manager and the same was rejected. Thereafter, he moved the Reviewing Authority, who, in turn, set aside the order of removal and ordered reinstatement into service, but without any right to claim past service, back wages, PF, Gratuity and other attendant benefits. Thereafter, the petitioner approached the Labour Court, raising an Industrial dispute, which was numbered as I.D.No.13 of 1993.

3. The Labour Court, after considering the contentions of both sides, elaborately passed a nil award holding that the petitioner is not entitled to invoke the jurisdiction of the Labour Court under Section 2-A of the Industrial Disputes Act, as no order of discharge, dismissal, retrenchment or termination existed against the petitioner. Aggrieved by that the petitioner has come up with the present writ petition.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

5. The material on record clearly shows that the petitioner joined the service of the respondent-Corporation in the month of February, 1983 and he was found indulged in cash and ticket irregularities in the month of April, 1983 itself i.e., within two months of his recruitment as a Conductor. Therefore, he was suspended on 12.04.1983 and thereafter he was removed from the service. No doubt, the reviewing authority modified the order of removal and ordered reinstatement without benefits of

past service. In fact, the petitioner rendered the service in the Corporation only for two months and stayed outside the Corporation for a period of six years before an order of reinstatement was passed by the reviewing authority in the year 1989. Therefore, there is absolutely no merit to claim any past service, as the petitioner did not render any countable service in the respondent-Corporation.

6. Under the above circumstances, both on the maintainability as well as on merits, the petitioner has no case. The writ petition is accordingly dismissed. No costs.

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S. Ananda Reddy, J

Date: 21.09.2004

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To

1 The Presiding Officer, Labour Court-III, Hyderabad.
2 The Regional Manager A.P State Road Transport Corporation
Golconda Region, Hyderabad.
3 The Divisional Manager A.P.S.R.T.C.,
Ranga Reddy Division, Hyderabad.
4 The Depot Manager, APSRTC
Zaheerabad Bus Depot, Zaheerabad
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